


PATENT APPLICATION
Attorney Docket 28053/37955

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicants:	)	"EXPRESS MAIL" mailing label
	)	No. EL 564465408US
Brown, <i>et al.</i>)	
	)	Date of Deposit: December 5, 2001
Serial No.: Unknown)	
	)	I hereby certify that this paper (or fee) is
Filed: Herewith	)	being deposited with the United States
	)	Postal Service "EXPRESS MAIL POST
For: Starch Sub-Types and Lipid	)	OFFICE TO ADDRESSEE" service under
Metabolism	)	37 C.F.R. §1.10 on the date indicated
	)	above and is addressed to the
Group Art Unit: Unknown	)	Commissioner for Patents, Washington,
	)	D.C. 20231.
Examiner: Unknown)	
)	
	)	Richard Zimmermann

**PRELIMINARY AMENDMENT ACCOMPANYING FILING
OF NATIONAL STAGE APPLICATION UNDER 35 U.S.C. 371**

Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a preliminary amendment to the above-identified application. Please enter the following amendments.

In the Claims:

Please cancel claims 34 and 35.

Please amend claims 11, 15-16, 19-33 and 36-38 as follows:

11. (Amended) A method of preparing a foodstuff for use in a method according to claim 1 which method comprises substituting constituents with a low resistant starch

content with constituents with a high resistant starch content and substituting some or all of the saturated fats with unsaturated fats.

15. (Amended) A composition according to claim 13 wherein some or all of the resistant starch is, or is derived from, a high amylose maize starch having an amylose content of 50% or more by weight.

16. (Amended) A composition according to claim 13 wherein the unsaturated fat is present in a proportion of at least 25% by weight of the total fat content.

19. (Amended) A composition according to claim 13 wherein the unsaturated fat is selected from one or more of a mono-unsaturated fat, a polyunsaturated fat, an omega-3 fat, and an omega 6 fat.

20. (Amended) A composition according to claim 13 which further comprises at least one further ingredient selected from the group consisting of a flavoring agent, a vitamin source, a mineral source, an electrolyte, and a trace element.

21. (Amended) A composition according to claim 13 in the form of a low calorie diet having an energy content of from 800 to 1200 kcal per day.

22. (Amended) A composition according to claim 13 in the form of a diet having an energy content of more than 1200 kcal per day.

23. (Amended) A composition according to claim 13 in the form of a diet having an energy content of more than 2000 kcal per day.

24. (Amended) A composition according to claim 13 in the form of a powdery mixture, said powdery mixture being soluble, suspendable, dispersible or emulsifiable in a water-containing liquid.

25. (Amended) A composition according to claim 13 in the form of granules.

26. (Amended) A method for regulating carbohydrate and fat metabolism in an individual which method comprises administering to the individual a composition according to claim 13.

27. (Amended) A method of enhancing fat utilization in an individual, which method comprises administering to the individual a composition according to claims 13.

28. (Amended) A method of reducing plasma leptin concentrations and increasing satiety in an individual, which method comprises administering to the individual a composition according to claim 13.

29. (Amended) A method of treating an individual suffering from obesity, which method comprises administering to the individual a composition according to claim 13.

30. (Amended) A method of lowering the risk of obesity in an individual, which method comprises administering to the individual a composition according to claim 13.

31. (Amended) A method of lowering the risk of non-insulin dependent diabetes mellitus in an individual, which method comprises administering to the individual a composition according to claim 13.

32. (Amended) A method of reducing the post-prandial plasma glucose and/or insulin levels in an individual following food consumption by the individual which method comprises administering to the individual a composition according to claim 13.

33. (Amended) A method of controlling an individual's body mass which method comprises administering to the individual a composition according to claim 13.

36. (Amended) A foodstuff comprising a composition according to claim 13.

37. (Amended) A prepackaged meal comprising at least one meal component which comprises a composition according to claim 13.

38. (Amended) A method for producing a composition according to claim 13 which method comprises replacing (i) some or all of the carbohydrate content of the composition with resistant starch and (ii) some or all of the saturated fat content of the composition with unsaturated fat.

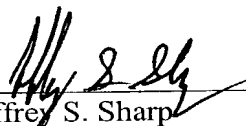
REMARKS

The foregoing amendments are made to fix multiple dependencies and correct various informalities in the claims and to place these claims in better condition for allowance. No new matter is introduced thereby. It is submitted that each of claims 1-33 and 36-38 are now in condition for allowance. Should the Examiner wish to discuss any issue of form or substance he or she is invited to contact the undersigned attorney at the telephone number listed below.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **“Version with markings to show changes made.”**

Respectfully submitted,
MARSHALL, GERSTEIN & BORUN

By



Jeffrey S. Sharp
Reg. No. 31,879
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6402
(312) 474-6300

December 5, 2001

22. (Amended) A composition according to [any one of] claim[s] 13 [to 20] in the form of a diet having an energy content of more than 1200 kcal per day.

23. (Amended) A composition according to [any one of] claim[s] 13 [to 20] in the form of a diet having an energy content of more than 2000 kcal per day.

24. (Amended) A composition according to [any one of] claim[s] 13 [to 23] in the form of a powdery mixture, said powdery mixture being soluble, suspendable, dispersible or emulsifiable in a water-containing liquid.

25. (Amended) A composition according to [any one of] claim[s] 13 [to 23] in the form of granules.

26. (Amended) A method for regulating carbohydrate and fat metabolism in an individual which method comprises administering to the individual a composition according to [any one of] claim[s] 13 [to 25].

27. (Amended) A method of enhancing fat utilization [utilisation] in an individual, which method comprises administering to the individual a composition according to [any one of] claim[s] 13 [to 25].

28. (Amended) A method of reducing plasma leptin concentrations and increasing satiety in an individual, which method comprises administering to the individual a composition according to [any one of] claim[s] 13 [to 25].

29. (Amended) A method of treating an individual suffering from obesity, which method comprises administering to the individual a composition according to [any one of] claim[s] 13 [to 25].

30. (Amended) A method of lowering the risk of obesity in an individual, which method comprises administering to the individual a composition according to [any one of] claim[s] 13 [to 25].

31. (Amended) A method of lowering the risk of non-insulin dependent diabetes mellitus in an individual, which method comprises administering to the individual a composition according to [any one of] claim[s] 13 [to 25].

32. (Amended) A method of reducing the post-prandial plasma glucose and/or insulin levels in an individual following food consumption by the individual which method comprises administering to the individual a composition according to [any one of] claim[s] 13 [to 25].

33. (Amended) A method of [of] controlling an individual's body mass which method comprises administering to the individual a composition according to [any one of] claim[s] 13 [to 25].

36. (Amended) A foodstuff comprising a composition according to [any one of] claim[s] 13 [to 22].

37. (Amended) A prepackaged meal comprising at least one meal component which comprises a composition according to [any one of] claim[s] 13 [to 25].

38. (Amended) A method for producing a composition according to [any one of] claim[s] 13 [to 25] which method comprises replacing (i) some or all of the carbohydrate content of the composition with resistant starch and (ii) some or all of the saturated fat content of the composition with unsaturated fat.